

# Notice of Allowability

## Application No.

10/502,497

## Examiner

Joseph W. Drodge

## Applicant(s)

MULLER ET AL.

## Art Unit

1797

### - The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 7/21/2008.
2. ☒ The allowed claim(s) is/are 1 and 22-44.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

### THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date \_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 20081007.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_.

### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Thomas Langer on October 6, 2008.

The following claims of the application has been amended as follows: --

25. (Currently amended) The process as claimed in ~~any one of~~ claims 1, wherein the first eluent is a solution whereof the concentration of chloride ions is greater than or equal to 0.7 mol/l.

26. (Currently amended) The process as claimed in ~~any one of~~ claims 1, wherein the first eluent is a solution whereof the concentration of chloride ions is between 1 and 1.3 mol/l.

27. (Currently amended) The process as claimed in ~~any one of~~ claims 1, wherein the first eluent is a solution of HCl or NaCl.

28. (Currently amended) The process as claimed in ~~any one of~~ claims 1, wherein the metal chloride, extracted by the first eluent, is precipitated with a precipitation reagent.

32. (Currently amended) The process as claimed in claims 1, wherein the extraction stage of the zinc is performed after complete extraction of the second metal chloride.

40. (Currently amended) The process as claimed in ~~any one of~~ Claims 1, wherein after the extraction stage of the second metal (nickel) chloride, the process comprises a

desorption stage of the zinc with the degree of oxidation +II by transformation of the  $\text{ZnCl}_3$  complex into a zinc complex more stable than the  $\text{ZnCl}_3$  complex.

42. (Currently amended) The process as claimed in claims 1, wherein after the extraction stage of the second metal (nickel) chloride, the process comprises an electrolytic desorption stage of the zinc.

43. (Currently amended) The process as claimed in claims 1, wherein the effluent also comprises calcium and wherein the process further comprises an extraction stage of said calcium present in the effluent before forming the anionic  $\text{ZnCl}_3$  complex. -- .

The following is an examiner's statement of reasons for allowance: Independent claim 1 and claims dependent therefrom now distinguish over the closest prior art, which remains the prior art of record, in view of recitation in claim 1 of placing the effluent in contact with resin which has previously been saturated in chloride ions, and in the second metal chloride  $\text{NiCl}_2$  being extracted by selective elution by means of a first eluent having a chloride ion concentration that enables the zinc to be maintained in the complexed  $\text{ZnCl}_3$  form such that this complex is extracted.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from

the examiner should be directed to Joseph Drodge at his direct government telephone number of 571-272-1140. The examiner can normally be reached on Monday-Friday from approximately 8:30 AM to 12:30 PM and 2:00 PM to 6:00 PM.

Alternatively, to contact the examiner, send a communication via E-mail communication to the Examiner's Patent Office E-mail address: "Joseph.Drodge@uspto.gov". Such E-mail communication should be in accordance with provisions of MPEP (Manual of Patent Examination Procedures) section 502.03 & related MPEP sections. E-mail communication must begin with a statement authorizing the E-mail communication and acknowledging that such communication is not secure and will be made of record, under Patent Internet Usage Policy Article 5. A suggested format for such authorization is as follows: "Recognizing that Internet communications are not secure, I hereby authorize the USPTO to communicate with me concerning any subject matter of this application by electronic mail. I understand that a copy of these communications will be made of record in the application file.

Additionally, the examiner's supervisor, David Roy Sample, of Technology Center Unit 1797, can be reached at 571-272-1376.

The formal facsimile phone number, for official, formal communications, for the examining group where this application is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either private PAIR or Public PAIR, and through Private PAIR only for unpublished applications. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you

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have any questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

JWD

10/7/2008

/Joseph W. Drodge/

Primary Examiner, Art Unit 1797